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Attorneys for Plaintiff Jason Gregory Turner and the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONALD WORTMAN, WILLIAM
ADAMS, MARGARET GARCIA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

AIR NEW ZEALAND, LTD., et al.

Defendants.

) Case No. CV 07-5634 CRB

)
) DECLARATION OF JEFF S.
) WESTERMAN IN SUPPORT OF
) ADMINISTRATIVE MOTION TO
) CONSIDER WHETHER CASES
) SHOULD BE RELATED (CIVIL LOCAL
) RULES 3-12 & 7-11)
)

) DATE: March 28, 2008
) TIME: 10:00 a.m.
) CTRM: 8
) JUDGE: Charles R. Breyer
)

This Document Relates to:

Turner v. All Nippon Airways, et. al.
Case No. CV 08-1444 EDL

1 I, Jeff S. Westerman, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am an member of the law firm Milberg Weiss LLP, I am counsel for Plaintiff Jason
4 Gregory Turner and the Class, in the above-entitled action.. This Declaration is based on
5 personal knowledge, except where specified that information is based on information and belief,
6 and if called to testify, I could and would do so competently as to the matters set forth herein. . I
7 submit this Declaration in support of Plaintiff's Administrative Motion to Consider Whether
8 Cases Should be Related.

9 2. Attached hereto as Exhibit A is a true and correct copy of the complaint entitled
10 *Turner v. All Nippon Airways, et. al.*, Case No. CV 08-1444 EDL ("*Turner*"), the *Turner* action
11 alleges a conspiracy to fix, raise, maintain and stabilize the price of passenger air transportation
12 services containing transpacific flight segments in violation of Section 1 of the Sherman Act, 15
13 U.S.C. § 1.

14 3. The *Turner* action is a proposed class action on behalf of purchasers of passenger
15 air transportation services containing transpacific flight segments from defendants. Like
16 *Wortman, et al. v. Air New Zealand, Ltd., et al.*, Case No. CV 07-5634 EMC ("*Wortman*"), the
17 *Turner* action alleges a conspiracy to fix, raise, maintain and stabilize the price of passenger air
18 transportation services containing transpacific flight segments in violation of Section 1 of the
19 Sherman Act, 15 U.S.C. § 1.

20 4. On January 23, 2008, Judge Breyer entered an order relating the Wortman action
21 and (1) *Abrams v. Air New Zealand, et al.*, Case No. CV 08-0339 CRB ("*Abrams*"), filed in the
22 Northern District of California on January 17, 2008; (2) and on February 12, 2008 an order
23 relating *Kaufman v. Air New Zealand, et al.*, Case No. CV 07-6417 CRB ("*Kaufman*"), filed in
24 the Northern District of California on December 19, 2007; (3) and on February 19, 2008 an order
25 relating *Evans v. Air New Zealand, et al.*, Case No. CV 07-5821 CRB ("*Evans*"), filed in the
26 Northern District of California on November 15, 2007; (4) and on February 25, 2008 an order
27

1 relating *Foy v. Air New Zealand, et al.*, Case No. CV 07-6219 CRB ("*Foy*"), filed in the
2 Northern District of California on December 7, 2007.

3 5. Like the *Wortman, Abrams, Kaufman, Evans* and *Foy* actions, the *Turner* action
4 alleges that defendants engaged in a conspiracy to fix the prices for passenger air transportation
5 service containing transpacific flight segments.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct. Executed this 19th day of March 2008 at Los Angeles, California.

8
9
10 /s/ Jeff S. Westerman
JEFF S. WESTERMAN

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071.

2. That on March 19, 2008, declarant served the DECLARATION OF JEFF S. WESTERMAN IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED (CIVIL LOCAL RULES 3-12 & 7-11) by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

4. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th day of March, 2008, at Los Angeles, California.


ELIZABETH VILLALOBOS

SERVICE LIST

Wortman et al. v. Air New Zealand et al
USDC, Northern Dist. No. CV 07-5634 CRB

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WESTERMAN DECL. IN SUPPORT OF ADMIN MTN TO CONSIDER WHETHER CASES SHOULD
BE RELATED - CASE NO. CV 07-5634 CRB

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